

## DIMITRA GAITANIS

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 2606]

The Committee on the Judiciary, to which was referred the bill (H. R. 2606) for the relief of Dimitra Gaitanis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of United States citizens the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill was born in Greece on June 14, 1941, and has been adopted by Mr. and Mrs. Peter H. Gaitanis, who are United States citizens residing in Lehigh, Pa. The child is the niece of Mr. and Mrs. Gaitanis.

Congressman Francis E. Walter, the author of the bill, submitted to a subcommittee of the Committee on the Judiciary of the House of Representatives the following adoption decree and affidavits in support of the bill:

#### OFFICIAL TRANSLATION FROM THE GREEK

No. 970

The Corinth Court of First Instance,

Composed of: C. Elipoulos, Justice of the Court of First Instance and Acting President (the President being unable to attend), Nich. Antonopoulos, Justice of the Court of First Instance, and Sp. Triviza, Justice of the Court of First Instance and Judge-Advocate,

At their session in public of December 12, 1951, in the presence of Kyr. Dora, clerk, were called upon the judge and decide on the following case:

Of the applicants: (1) Peter Char. Gaitanos, and (2) Irene, wife of Peter Gaitanos, née Arg. Gaitanos, of Corinth formerly, and actually of Leighton, Pennsylvania, Carbon County, United States of America, present through their attorney, lawyer Evangelos Lekka.

The applicants, by their application of October 10, 1951, addressed to the Court first above named, and, for the reasons referred to therein, requested: That their application be accepted. That Demetra Nich. Gaitanos, of Corinth, be acknowledged as an adoptive child of both applicants, and be considered thereafter as a legitimate child of both applicants; that she be placed under the paternal guardianship of the first of the applicants, and that she take his name. That the decision to be issued be published in brief in the press, and that after said decision becomes final and irrevocable that same be registered in the relative Birth Registers, in accordance with the law, with the end in view of recording the modification to take place in regard to the party being adopted.

Regarding said application, Decision No. 825/1951 was issued by the Court first above named, which requested evidence; on conclusion of the evidence proceedings, and following upon a request of the applicants, the application was again brought forward for hearing by the Court first above named at the session of the Court referred to at the beginning of these presents, at which said application was duly called out for hearing from the relative List of Cases for hearing, and at which the applicants were present as above.

In view of the impending discussion of the case,

The Court,

Having heard the Judge-Advocate reading his report in accordance with the law, the attorney of the applicants who referred to his conclusions in writing on the case, and who requested their acceptance,

Having gone through the file of proceedings,

In accordance with the law,

Consider:

In view of the fact that the case is lawfully brought forward for further discussion, following upon the issue of Decision No. 925/1951 of the Court first above named, and the carrying out of the evidence proceedings referred to in same, and payment of the requisite charges for these presents, as per Receipt No. 7617/1951 of Corinth Treasury,

In view of the fact that the applicants requesting the adoption of the minor Demetra N. Gaitanos, established in Leighton, Pennsylvania, Carbon County, United States of America, to wit: (1) Peter Char. Gaitanos, and (2) Irene, wife of Peter Gaitanos, née Arg. Gaitanos, stated before the Greek Consul General in New York, appointed Judge-Advocate by virtue of Decision No. 825/1951 of the Court first above named, that they consent to the adoption by them of the minor named above, and that each one of them approves adoption by the other of the minor aforesaid, as per Report No. 3960/1951 of the Consul aforesaid,

In view of the fact that from proceedings generally, and interlocutory decision No. 825/1951 of the Court first above named, it results that all lawful presuppositions for such an adoption exist, i. e. that the parents of the minor approved the adoption of their 11-year-old daughter; that the applicants are over 50 years old, and that they are over 18 years older than the party being adopted; that there are no hopes of their ever having legitimate descendants; that they are possessed of sufficient fortune, contrary to the party being adopted who has none, and that no personal interest or unlawful reason is concealed under this adoption, the application lodged should be accepted as lawful and sound.

In view of the fact that the request of the applicants that the child to be adopted should take the name of the first of them, that the present decision be published in brief in the press, and that after the present decision becomes final and irrevocable that it be ordered that the relevant modification be made in the Birth Registers, the same is not lawfully sound and is, therefore, rejected, seeing that no law provisions compel the Court to act as requested, the adopting party having right to take necessary steps to change the name of the child being adopted and registration of this modification in the relative Birth Registers without it being necessary to have the present decision published in brief in the press in connection thereof.

THEREFORE the Court,

Accept the application lodged,

Proclaim Demetra, daughter of Nicholas Gaitanos, of Corinth, adoptive child of both applicants, to wit: (1) Peter Char. Gaitanos, and (2) Irene, wife of Peter Gaitanos, née Arg. Gaitanos, formerly of Corinth, and actually of Leighton, Pennsylvania, Carbon County, United States of America.

Judged, decided upon in Corinth the 18th day of December 1951, and published and issued on the 19th day of the same month and year by the Court publicly in the absence of the applicants and of their attorney lawyer.

CONSTANTINE ELIOPOULOS,  
*The Acting President.*  
KYR. DORA, *the Clerk.*

True copy, Corinth, December 21 1951.  
[SEAL]

\_\_\_\_\_  
*The clerk.*

Seen for its lawful stamping and seriatim issue, Corinth, this same day.  
[SEAL]

\_\_\_\_\_  
*The Chief of Section.*

Certified true translation of the attached original in Greek,

\_\_\_\_\_  
*The official translator of the Ministry of Foreign Affairs.*

ATHENS, December 27, 1951.

ROYAUME DE GRÈCE MINISTÈRE DES AFFAIRES ÉTRANGÈRES

No. 11005

Vu pour la legalisation de la signature de M. C. Beinoglou, Traducteur du Ministère des Affaires Étrangères, Athènes, December 28, 1951.

Par autorisation du Ministre:

\_\_\_\_\_  
*Le Directeur.*

IN RE ADOPTION OF DIMITRA N. GAITANIS, IN THE ORPHANS COURT OF CARBON COUNTY

*To the Honorable James C. McCready, Judge of Said Court:*

The petition of Peter Gaitanis and Irene Gaitanis respectfully represents:

1. That your petitioners are adult citizens of the Commonwealth of Pennsylvania, residing at 233 Iron Street, in the borough of Lehigh, county of Carbon, and State of Pennsylvania.

2. That your petitioners, Peter Gaitanis and Irene Gaitanis, are desirous of adopting Dimitra N. Gaitanis and declare that if this petition is granted they will perform all the duties of parents of said child.

3. That the said minor child, Dimitra N. Gaitanis, was born June 14, 1941, in the city of Corinth, province of Corinthia, country of Greece, and is now residing with her parents, Nicholas Gaitanis and Athena Gaitanis, in said city of Corinth. The father of said minor child, aforesaid, is a brother of your petitioner, Peter Gaitanis.

4. That the said minor child, Dimitra N. Gaitanis, has no property or estate, vested or contingent.

5. That your petitioners are husband and wife and were married on June 6, 1926, and since the time of their marriage have resided together as husband and wife in the borough of Lehigh, county of Carbon, and State of Pennsylvania, where they reside at the present time, and your petitioners have no other children.

6. That the said Dimitra N. Gaitanis is the child of Nicholas Gaitanis and Athena Gaitanis, natural parents as aforesaid, and is one of five children of said parents.

7. That hereto annexed are consents to this petition by the parents of the child.

8. That your petitioners believe that the welfare of Dimitra N. Gaitanis will be promoted by this adoption by reason of the following facts and circumstances

(a) The natural parents of the child are in poor financial circumstances and because of the bad economic situation now existing and having existed for years past in Greece, are not able to provide adequately for their five children, and cultural and educational facilities are very limited.

(b) Your petitioner, Peter Gaitanis, is 57 years of age, and his wife, Irene Gaitanis is 45 years of age, and own their own home in said borough of Lehigh, and Peter Gaitanis is a partner in a successful restaurant business in said borough, of long duration. The financial condition of your petitioners is such that they can adequately provide for and educate said Dimitra N. Gaitanis.

## DIMITRA GAITANIS

They are of the same religious persuasion as the child, and your petitioners have never been convicted of any criminal offense or summoned before the domestic relations department of any court. Your petitioners have no children of their own.

(c) That your petitioners are of Greek nationality and were born in Europe, and speak the same language as the child, Dimitra N. Gaitanis. That your petitioner, Peter Gaitanis, has no close relatives in this country and is moved by all these things, as well as by the fact that the child proposed to be adopted is his niece.

Wherefore, your petitioners pray your honorable court to order and decree that the said Dimitra N. Gaitanis shall assume the name of your petitioners and be hereafter known and called by the name of Dimitra N. Gaitanis, and shall have henceforth all the rights of a child and heir of the said Peter Gaitanis and Irene Gaitanis, your petitioners, equally with any other children they may have, and shall be subject to the duties of such child, in accordance with the act of assembly in such case made and provided. And they will ever pray.

PETER GAITANIS.  
IRENE GAITANIS.

STATE OF PENNSYLVANIA,  
*County of Carbon, ss:*

Peter Gaitanis and Irene Gaitanis, the above-named petitioners, being duly sworn according to law, depose and say that the facts set forth in the above petition, which are within the personal knowledge of the deponents, are true, and as to facts based on the information of others, the deponents, after diligent inquiry, believe them to be true.

PETER GAITANIS.  
IRENE GAITANIS.

Sworn and subscribed before me this 9th day of February A. D. 1951.

[SEAL]

KENNETH H. SEABOLDT,  
*Notary Public.*

My commission expires January 7, 1951.

KINGDOM OF GREECE, PROVINCE OF ATTICA AND BEOTIA, CITY OF ATHENS,  
*Embassy of the United States of America, ss:*

Nicholas Gaitanis, being duly sworn according to law, deposes and says: That he is the father of the minor child, Dimitra N. Gaitanis, whose adoption is prayed for by the petitioners, Peter Gaitanis and Irene Gaitanis; that he has read the petition, thoroughly, and is familiar with all the facts contained therein, and does hereby consent to the adoption, fully understanding that by this proceeding he surrenders forever all his rights as parent of said minor child.

NICHOLAS GAITANIS.

Sworn to and subscribed before me this 19th day of February A. D. 1951.

HARRY M. LOFTON,  
*Vice Consul of the United States of America.*

(Seal of American Consular Service, Athens, Greece.)

American Foreign Service—\$2 fee stamp canceled "Athens, Greece, HML, Feb. 19, 1951." Service No. 3516. Fee, \$2.

KINGDOM OF GREECE,  
PROVINCE OF ATTICA AND BEOTIA,  
CITY OF ATHENS,

*Embassy of the United States of America, ss:*

Athena Gaitanis, being duly sworn according to law, deposes and says: That she is the mother of the minor child, Dimitra N. Gaitanis, whose adoption is prayed for by the petitioners, Peter Gaitanis and Irene Gaitanis; that she has read the petition, thoroughly, and is familiar with all the facts contained therein, and does



hereby consent to the adoption, fully understanding that by this proceeding she surrenders forever all her rights as parent of said minor child.

ATHENA GAITANIS.

Sworn to and subscribed before me this 19th day of February A. D. 1951.

HARRY M. LOFTON,

*Vice Consul of the United States of America.*

(Seal of American consular service, Athens, Greece.)

American Foreign Service—\$2 fee stamp canceled "Athens, Greece, Feb. 19, 1951." Service No. 3515. Fee, \$2.

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PRELIMINARY ORDER

And now, the 2d day of March 1951, upon consideration of the foregoing petition and on motion of Albert Prutzman, attorney for petitioners, the court sets the 16th day of March 1951, at 10 a. m., for hearing thereon.

JAMES C. MCCREADY, *Police Judge.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2606) should be enacted.

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